

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 146 OF 2018

WITH

STAMP NUMBER (APPLN.) NO. 1910 OF 2018

SAPNA GAONKAR @ ANJU AMONKAR. ... Applicant

Versus

STATE OF GOA, OFFICER INCHARGE,
MARGAO TOWN POLICE STATION, MARGAO
AND ANR.

... Respondents

Shri Shivan Desai, Advocate for the applicant.

Shri S.Keny, Advocate or the Intervenor.

Shri M. Amonkar, Additional Public Prosecutor for the respondents.

Coram : NUTAN D. SARDESSAI, J.

Date : 3rd July, 2018

ORAL ORDER :

Heard Shri Shivan Desai, learned Advocate for the applicant,
Shri S.Keny, learned Advocate for the Intervenor and Shri M.
Amonkar, learned Additional Public Prosecutor for the respondents.

2. It was the contention of Shri S. Desai, learned Advocate for the applicant that the Power of Attorney dated 04/01/2005 which is the bone of contention was revoked at the instance of the intervenor/complainant and by itself indicated that he acknowledged the execution thereof at his instance amongst others. There was no basis to seek the custodial interrogation of the applicant even to

recover the so called Power of Attorney and therefore she was entitled to being released on bail in anticipation of arrest. He placed reliance in **Harsh Sawhney v/s. Union Territory (Chandigarh Admn.)** [AIR 1978 SC 1016] and that in **Hema Mishra v/s. State of U.P. and ors.**[AIR 2014 AC 1066]. Without prejudice to his rights and contentions it was also his submission that the applicant was ready to negate the effect of the Relinquishment Deed purportedly executed by the other legal representative of her deceased father and she was also ready to offer the share in the compensation collected by her in the Land Acquisition proceedings.

3. Shri S. Keny, learned Advocate for the intervenor strongly opposed the application for the release on bail on the premise that she had indulged in a lot of forgery including that viz a viz her ex-husband and there was no reason to secure her with bail in anticipation of arrest.

4. Shri Amonkar, learned Additional Public Prosecutor submitted that the presence of the applicant was required in custody only to recover the Power of Attorney dated 04/01/2005 which as per the records of investigation was purportedly revoked by the intervenor and his wife on 11/01/2010 and produced by the applicant alongwith the rejoinder.

5. Having heard the learned Advocates and the learned Additional Public Prosecutor at a considerable length and looking to the tenor of litigation and the enmity between the parties, i deem it appropriate in the circumstances to order the release of the applicant on bail in anticipation of arrest on the following terms:

(i) In the event of arrest the applicant shall be enlarged on bail on executing Bail Bonds in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one local surety in the like amount to the satisfaction of the Investigating Officer.

(ii) She shall co-operate with the course of investigation including the recovery of the disputed Power of Attorney dated 04/01/2005 and shall not intimidate or tamper with the witnesses.

6. In these terms, the application for bail stands disposed off and also the application for intervention of the complainant which has been allowed.

NUTAN D. SARDESSAI, J.

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